

REMARKS/ARGUMENTS

The office action of May 24, 2004 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 3-11, 13-21 and 23 are pending in this application.

Claims 3-11, 13-21 and 23 were rejected as being unpatentable over Johnson US2002/0095400 in view of Duvaut US2003/0108095.

While the Johnson reference discloses various methods and systems for managing differentiated service in an information management environment, Johnson does not disclose any differentiated services based on upstream and downstream communications in a wireless network (such as a satellite and/or other similar such wireless connection), or any differentiated services including upstream and downstream communications based on a stored balance based of an individual subscriber. The upstream and down stream management are particularly important on a wireless network where the systems often have asymmetric information paths.

Duvaut pertains to a system for reducing noise induced by digital subscriber line (DSL) systems. Duvaut does not disclose individual bandwidth controls based on accumulated usage values (over days, weeks, or months) which dynamically reduce the load on a complex network.

Referring to page4, paragraph 62, the Office Action asserts that Duvaut teaches a system and corresponding method for controlling a network comprising an upstream and a downstream balance that tracks a wireless network data consumption and imposing a bandwidth limitation on a subscriber of the wireless network responsive to either the upstream or downstream balance of the account.

Paragraph 62 of Duvaut teaches maximizing downstream performance by balancing upstream and downstream signal ratios, and provides spectral compatibility between ADSL and concurrently-deployed services. The optimum data capacity given certain line conditions (e.g., signal-to-noise ratio (SNR), line attenuation, etc.) are determined and provide information to permit the allocation of bandwidths and time slots for upstream and downstream signals, thereby balancing the upstream and downstream signal ratios.

Therefore, Applicants submit that Duvaut does not teach controlling a network comprising an upstream and a downstream balance that tracks a wireless network data consumption and imposing a bandwidth limitation on a subscriber of the wireless network responsive to either the upstream or downstream balance of the account. Thus, even if the teachings of Johnson and Duvaut could be combined, Applicants submit that the claims of the present application would not have been obvious to one of ordinary skill in the art at the time of the invention in view of the Johnson and Duvaut references.

Reconsideration is respectfully requested and a favorable action on the merits is solicited.

The Commissioner is authorized to charge our Deposit Account No. 19-0733 for any fees associated with this paper or application. A duplicate copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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By:

Frederic M. Meeker

Frederic M. Meeker
Registration No. 35,282

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001